

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:) Case No. 14-46419-659
) Honorable Kathy A. Surratt-States
SEAD AND EKREMA BAKRAC,) Chapter 7
)
Debtors.) MOTION TO COMPEL
)
) Hearing Date: April 20, 2015
) Hearing Time: 10:00 a.m.

MOTION TO COMPEL

COMES NOW David A. Sosne, duly appointed Chapter 7 Trustee herein, by and through his counsel, and for his Motion to Compel Turnover (“Motion”), respectfully states to this Honorable Court as follows:

1. This Court has jurisdiction over the subject matter of these proceedings pursuant to 28 U.S.C. §§ 1334, 151 and 157, and Local Rule 9.01 of the United States District Court, Eastern District of Missouri.

2. This is a “core” proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), (E) and (O), which the Court may hear and determine.

3. On or about August 14, 2014 (the “Petition Date”), Sead and Ekrema Bakrac (“Debtors”) filed their Voluntary Petition for Relief pursuant to Chapter 7 of the United States Bankruptcy Code, which is presently pending in this judicial district as Case No. 14-46419-659.

4. David A. Sosne (“Trustee”) is the duly appointed and acting Chapter 7 Trustee in bankruptcy for the Debtors’ estate.

5. Pursuant to 11 U.S.C. § 521, 11 U.S.C. § 542 and Rule 4002 of the Federal Rules of Bankruptcy Procedure, Debtors are obligated to cooperate with the Trustee in the

administration of the estate and to surrender to the Trustee all property of the estate, including documents, papers, records and information relating to the property of the estate.

6. Among the assets of the bankruptcy estate is real property located at 6038 Southcrest Way Saint Louis, Missouri 63129 (the “Real Property”).

7. On or about December 19, 2014, Trustee filed his Application to Employ Mick J. Sanders, RE/MAX Results as Real Estate Agent/Broker to list the Real Property for sale. On December 29, 2014, this Court entered a Signed Order Granting Application to Employ Mick J. Sanders.

8. On or about December 19, 2014, Debtors filed a Motion to Convert Case to Chapter 13, but this Court entered its Order Denying Motion to Convert Case to a Chapter 13 on February 26, 2015.

9. On or about March 2, 2015 via letter correspondence, Trustee informed the Debtors that he had notified his real estate agent to proceed with activating the listing of Debtors’ Real Property. Debtors were informed they could continue living on the Real Property until the residence was sold, but they would need to cooperate with the Trustee and the Trustee’s real estate agent throughout the sales process.

10. Trustee has since been informed by his real estate agent that Debtors have refused to cooperate with the listing of the Real Property and that such resistance is impeding, if not preventing, the sale of the Real Property.

11. This case has been pending for over seven (7) months, Trustee’s Application to Employ Mick J. Sanders was approved over two (2) months ago, and the Debtors’ Motion to Convert was denied in February. A substantial amount of time has been lost in the

administration and sale of the Real Property. Moreover, Debtors have yet to make an offer to settle the bankruptcy estate's interest in the Real Property.

12. Given the lost time, the absence of a settlement offer, and Debtors' lack of cooperation with Trustee's real estate agent, Trustee believes it is necessary for this Court to enter an order compelling Debtors to fully cooperate with Trustee and his real estate agent or vacate the Real Property.

WHEREFORE, the Trustee respectfully requests that this Honorable Court enter an Order (a) compelling Debtors, within ten (10) days thereof, to either: (i) cooperate with Trustee and his real estate agent, in every respect, concerning the sale of the Real Property located at 6038 Southcrest Way Saint Louis, Missouri 63129, including, but not limited to, allowing the realtor to enter the premises to obtain specifications for listing materials, placing a sign in the yard, regularly paying the bills, maintaining the property in its present condition, maintaining adequate insurance, leaving the premises when the real estate agent is showing the residence to potential buyers, vacating the premises when the Real Property is sold, and leaving the Real Property in a swept and reasonably clean condition; or (ii) vacate the premises; and (b) granting any other and further relief as is proper.

Respectfully Submitted,
SUMMERS COMPTON WELLS LLC

Date: March 23, 2015

By: /s/ Brian J. LaFlamme
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via electronic filing in the CM/ECF system of the United States Bankruptcy Court for the Eastern District of Missouri to the parties requesting service by electronic filing. I hereby also certify that a copy of the foregoing was served via United States Mail, first class postage prepaid, on the date of the electronic filing of this document to those individuals and entities not requesting service by electronic filing. The individuals and entities being served electronically or by mail are:

United States Department of Justice
U.S. Trustee's Office
111 S. 10th Street, Ste. 6353
St. Louis, MO 63102

John C. Caraker
1113 Mississippi Avenue
Suite 105
St. Louis, MO 63104

Sead and Ekrema Bakrac
6038 Southwest Way
St. Louis, MO 63129

Bank of the Midwest
P.O. Box 4024
Alameda, CA 94501-0424

Citimortgage, Inc.
P.O. Box 6278
Sioux Falls, SD 57117-6279

Fifth Third Bank
P.O. Box 670778
Cincinnati, OH 45263-0778

Date: March 23, 2015

/s/ Marquita Monroe